

Order

Of the Bar Harbor Town Council

For the June 8, 2010 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

LAND USE ORDINANCE AMENDMENT– Shoreland General Development III – Shall an Ordinance dated February 2, 2010 and entitled “An amendment to create a new district entitled Shoreland General Development III with accompanying dimensional controls, allowed uses and Design Review Board authority, and a map amendment” be enacted?

Shoreland General Development III Standards

An amendment to create a new district entitled Shoreland General Development III with accompanying dimensional controls, allowed uses and Design Review Board authority, and a map amendment.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

§ 125-49.1 Shoreland General Development III (Bar Harbor Corridor). [Amended 11-5-1996]

A. Purpose

The Shoreland General Development III district seeks to allow for corridor development that provides transient services and other commercial services along the town’s prominent entry corridor. Care in screening, landscaping, and building design should be taken to respect the National Scenic Byway (Eden Street) as well as a historic waterfront.

B. Dimensional Standards

- (1) Minimum lot size: 30,000 square feet with sewer; 60,000 square feet

- without sewer.
- (2) Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.
 - (3) Minimum shore frontage: 150 [feet] for residential use or dwelling unit adjacent to tidal areas; 300 [feet] per governmental, institutional, commercial or industrial structure adjacent to nontidal area; 200 [feet] for each other use, dwelling unit or structure for all other uses or structures.
 - (4) Minimum front setback: 100 [feet] from the center of Route 3, and 75 [feet] from the front lot line elsewhere.
 - (5) Minimum side setback: 25 [feet].
 - (6) Minimum rear setback: 25 [feet].
 - (7) Maximum lot coverage: 25%.
 - (8) Maximum height: 35 [feet].
 - (9) Minimum area per family: 20,000 square feet on sewers; 40,000 SF without sewers.

C. Allowed Uses

- (1) Uses allowed by the issuance of a building permit: single and two-family dwellings; Municipal Buildings, Government Services; home occupation; public or private park; all vacation rentals; artist studio; gallery; museum; child care facilities
- (2) Uses allowed by site plan review: all Transient Accommodations; Ferry Terminals; Restaurants; Commercial fishing piers and boatyards; Marinas; other Piers, docks and use projecting in the water; multi-family dwelling I and II; nursing/convalescent home or congregate housing; wind turbines; professional office; transportation facility; services

D. Allowed Activities:

- (1) Activities allowed without a permit, provided it complies with all provisions of the Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 10 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation.
- (2) Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; road construction (after subdivision approval is received); filling/earth moving activity 10 cubic yards or more; essential services.

E. Other requirements

- (1) All activities are subject to the regulations set forth in 125-68 Shoreland Standards.

(2) All changes to facades and signs require Design Review Board approval.

(3) Parking requirements shall follow the requirements found in Section 125-67.D

ARTICLE XII Construction and Definitions

§ 125-109 Definitions

ARTIST STUDIO – An art profession home occupation for gain and support which is conducted entirely within a residential dwelling unit or structure accessory to the dwelling unit. Retail sales of products made on the premises are allowed in residential districts; accessory retail of products made on the premises and other products are allowed in commercial and corridor districts.

BED and BREAKFAST I – Overnight accommodations and a morning meal in an owner-occupied dwelling unit constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST II – Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST III – Overnight accommodations and a morning meal in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate.

BED and BREAKFAST IV – Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee constructed before June 8, 2010, provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

BED and BREAKFAST V – Overnight accommodations, a morning meal, and additional meals in a dwelling unit occupied by the owner/innkeeper or a designated employee provided to transients for compensation. Breakfast is included in the room rate. The meals may be open to the public.

CABINS - free-standing dwelling units or cottages on a parcel; said units are subject to seasonal closure

CHILD CARE CENTER - A building for providing care and protection for 3 or more children under 13 years of age.

CONFERENCE CENTER – a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

FAMILY CHILD CARE - Care and protection that is provided in a dwelling unit on a regular basis, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's dwelling. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, then the use is customary to a dwelling unit and is not regulated herein.

GALLERY – A retail establishment primarily engaged in the sale of drawings, photography, paintings, sculpture and the like to customers for their own individual or household use. Accessory uses may include restaurant.

~~GROCERY STORE – A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket.~~

HOME OCCUPATION -- A business, trade, arts, occupation or profession conducted for gain and support which is customarily carried on entirely within a residential dwelling unit or structure accessory to the dwelling unit which is clearly accessory and incidental to and compatible with the surrounding residential uses.

HOTEL- A facility offering transient lodging accommodations for transients and which may include additional accessory facilities and services available to the general public, as well as a conference center.

MEDICAL CLINIC -- An office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments; doctor's offices are included in this definition.

MOTEL – A facility providing sleeping accommodations for transients with additional accessory facilities and services available to transients at the motel only.

PROFESSIONAL OFFICE BUILDING -- A building in which there is located the office of a professional, such as an architect, accountant, dentist, ~~doctor of medicine~~, lawyer, and the like, or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

SERVICES – Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government and other enterprises

TRANSIENT ACCOMMODATIONS – a collective term to describe Bed & Breakfast, Motels, Hotels, Conference Centers, and Cabins

- A. ~~TA 1 — Bed and breakfast accommodations in the private, year-round residence of the host family who live on the premises (one to three rooms; maximum six guests). Breakfast is the only meal provided.~~
- B. ~~TA 2 — A building or buildings where for compensation lodging is provided (four to 25 rooms). No meals are served.~~
- C. ~~TA 3 — An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (four to 10 rooms). TA 3 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures: [Amended 11-5-1991; 11-2-2004]~~
- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and~~
- (3) ~~Breakfast is the only meal provided.~~
- D. ~~TA 4 — An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging is provided (11 to 25 rooms). TA 4 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures: [Amended 11-5-1991; 11-2-2004]~~
- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts; and~~
- (3) ~~Breakfast is the only meal provided.~~
- E. ~~TA 5 — A building or buildings where for compensation lodging and one or more meals for guests only are provided (four to 25 rooms). [Amended 5-6-2002]~~
- F. ~~TA 6 — An existing building, constructed and completed prior to June 10, 1986, where for compensation lodging and meals for guests only are provided (four to 25 rooms). TA 6 is permitted in districts where it is felt that lodging for transients is necessary to preserve or maintain many of Bar Harbor's residential structures: [Amended 11-5-1991; 11-2-2004]~~
- (1) ~~No building shall be expanded in floor area or volume by more than 10% over the lifetime of the building;~~
- (2) ~~There shall not be constructed any exterior stairway or fire escape enclosed or otherwise above the ground floor visible from the street on which the building fronts.~~

G. ~~TA 7~~ A building or buildings where for compensation lodging and meals are provided (four to 25 rooms). Accessory uses subject to site plan review include restaurant, gift shop and the like.

H. ~~TA 8~~ A building or buildings where for compensation lodging and meals are provided (25 or more rooms). Accessory uses subject to site plan review include restaurant, cocktail lounge, gift shop, conference room, recreational facilities, such as swimming pool, game courts, and recreational rooms, and the like.

ARTICLE XIII, Design Review [Added 11-2-1999]

§ 125-112. Applicability of design review.

- A. Design Review Overlay Districts. [Amended 11-4-2003; 11-2-2004; 6-9-2009; 11-3-2009]
- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
- (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Business District; the Shoreland General Development I and III Districts; the Bar Harbor Historic District; Bar Harbor Corridor; the Bar Harbor Historic Corridor District (~~excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D~~); and the Town Hill Business District. ***

- C. Activities not subject to design review. The following activities are not subject to design review:

- (6) Municipal or government facilities; Ferry Terminals

MAP AMENDMENT

Measured from the normal high-water line 250 [feet] is the Shoreland General Development III district on the following properties:

Map 101 Lot 1

Map 101 Lot 2

Map 101 Lot 3

Map 101 Lot 4

Map 231 Lot 1

Map 231 Lot 2

Map 231 Lot 3

Map 231 Lot 4

EXPLANATION: This amendment introduces a new shoreland general district for the area from College of the Atlantic to and including the property known as Sonogee Rehabilitation and Living Center.

Given under our hands and seal at Bar Harbor this ninth day of February 2010.

Municipal Officers of the Town of Bar Harbor

Sandy McFarland, Chair

Ruth A. Eveland, Vice Chair

Jane Disney, PhD.

Robert L. Jordan, Jr.

Peter St. Germain

Greg Veilleux

Paul A. Paradis, Secretary